

3/7/2016 10:32 am

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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STEPHEN KENNEDY,
Plaintiff,

-against-

MEDGEN, INC.,

Defendant.
-----X

U.S. DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
LONG ISLAND OFFICE

ADOPTION ORDER
14-cv-5843 (ADS)(AYS)

APPEARANCES:

Edward C. Greenberg P.C.
Attorney for the Plaintiff
570 Lexington Avenue, 19th Floor
New York, NY 10022

SPATT, District Judge.

On October 29, 2014, the Plaintiff Stephen Kennedy (the “Plaintiff”) commenced this action against the Defendant Medgen, Inc. (the “Defendant”) alleging copyright infringement and removal of copyright management information.

On February 23, 2015, the Clerk of the Court noted the default of the Defendant.

On July 2, 2015, the Plaintiff moved for a default judgment.

On July 7, 2015, the Court referred the Plaintiff’s motion to United States Magistrate Judge Anne Y. Shields for a report recommending whether the motion for default judgment should be granted, and if so, whether damages should be awarded, including reasonable attorneys’ fees.

On January 8, 2016, Judge Shields issued a report recommending that the Court deny the Plaintiff’s motion without prejudice and with leave to renew upon the submission of additional information substantiating the Defendant’s alleged infringement of the Plaintiff’s copyrighted image (the “R&R”).

On January 21, 2016, the Plaintiff filed a letter motion styled as a motion for reconsideration, which appears to contain the additional information requested by Judge Shields in the R&R. However, the Plaintiff did not file specific objections to Judge Shields' R&R.

As such, pursuant to 28 U.S.C. § 636(b) and Federal Rule of Civil Procedure 72, this Court has reviewed the January 8, 2016 R&R for clear error, and finding none, now concurs in both its reasoning and its result. See Coburn v. P.N. Fin., No. 13-CV-1006 (ADS) (SIL), 2015 WL 520346, at *1 (E.D.N.Y. Feb. 9, 2015) (reviewing Report and Recommendation without objections for clear error).

Accordingly, the January 8, 2016 R&R is adopted in its entirety. The Court further denies the Plaintiff's motion for reconsideration without prejudice and with leave to renew as a formal motion for default judgment as specified in the R&R.

SO ORDERED.

Dated: Central Islip, New York
March 7, 2016

/s/ Arthur D. Spatt
ARTHUR D. SPATT
United States District Judge